

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

MAY 29 2018

Clerk, U S District Court
District Of Montana
Billings

LAZY E L RANCH, INC.;
FOOTHILLS COMPANY; GEORGE
BENEDICT; REBECCA SPENCER;
AL SPENCER; ROBERT
Timmerman; DOROTHY
Timmerman; CATHERINE
TOBIN; RICHARD SHOLLEY;
THOMAS MORROW; ROBERT
CIRI; ANN CIRI,

Plaintiffs,

vs.

NORTHWESTERN CORPORATION;
NORTHWESTERN ENERGY;
NORTHWESTERN ENERGY INC.;
NORTHWESTERN ENERGY, LLC;
JOHN DOES 1-10; JOHN DOE
CORPORATIONS A-Z, or other
business entities, subsidiaries and
affiliates,

Defendants.

CV 17-112-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on April 18, 2018. (Doc. 20). The Magistrate recommended the Court grant Defendant Northwestern's motion to dismiss count 1 of the complaint. (Doc. 20 at 2).

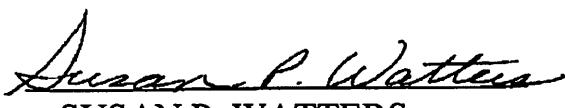
Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 20) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Northwestern's motion to dismiss count 1 of the complaint (Doc. 3) is GRANTED. Count 1 of the complaint is DISMISSED.

DATED this 29th day of May, 2018.


SUSAN P. WATTERS
United States District Judge